

APR 21 2006

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8
I hereby certify that this correspondence, totaling 9 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-3300 (Central number) on the below date:
Date: April 21, 2006 Name: David W. Okey Signature: [Signature]

BRINKS
HOFER
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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Thomas L. Foster et al.

Appln. No.: 10/617,580

Filed: July 11, 2003

For: Flexible Cannula

Examiner: Charles H. Sam

Art Unit: 3731

Attorney Docket No: 10922/51

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Attached is/are:

- ☒ Response to Office Action dated March 22, 2006.
☐ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.138(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim						+\$180=		+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

21 APR 2006
Date

[Signature]
David W. Okey (Reg. No. 42,959)

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APR 21 2006

I hereby certify that this correspondence is being sent via
facsimile to 1-571-273-8300 to the Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

On April 21, 2006

Date of Deposit

David W. Okey

Name of applicant, assignee or
Registered Representative

Signature

Date of Signature

21 APR 2006

Our Case No. 10922/51

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FOSTER et al.

Serial No. 10/617,580

Filing Date: July 11, 2003

For: FLEXIBLE CANNULA

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) Examiner: Charles H. Sam
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) Group Art Unit No. 3731
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RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the non-final Office Action dated March 22, 2006, Applicant has timely filed this Response. Applicant respectfully requests the Examiner to withdraw the rejections and to grant allowance of this Application.

A listing of the Claims begin on p. 2 of this paper.

Remarks/arguments begin on p. 6 of this paper